

**Harmony Township  
LAND USE BOARD APPLICATION**

**Instructions to Applicants**

1. These instructions are intended only as a guide for the applicant in the submission of a complete development application. They are not intended as a substitute for the appropriate development ordinances of the Township of Harmony and the laws of the State of New Jersey governing development. In the event that these guidelines are deficient or conflict with any of the Township development ordinances or the applicable statutes, such ordinances or statutes shall govern.
2. **Copies of the Harmony Township Code** governing the development of land in the Township of Harmony are available from Mrs. Kelley D. Smith, Harmony Township Clerk, Harmony Township Municipal Building, 3003 Belvidere Road (CR 519), Phillipsburg, New Jersey 08865, 908/213-1600 Ext. 10. A fee to cover costs may be charged.
3. **Regular meetings** of the Harmony Township Planning Board are normally held on the first Wednesday of each month at 7:00 p.m. at the Harmony Municipal Building, 3003 Belvidere Road (CR 519), Phillipsburg, NJ 08865, unless otherwise so designated by the Board.
4. A hearing must be held on all applications to the Harmony Township Planning Board. Notice is required by law prior to certain hearings, which include all cases involving preliminary major subdivision, conditional uses, bulk variances and the exercising of other auxiliary powers granted to the Planning Board. If the applicant is unsure as to whether notice is required on a particular application, the applicant should consult an attorney.

**DAYS TO HEARING:**

**28 DAYS**

5. All applications for the site plan or subdivision approval must be submitted to the Township Clerk or Planning Board Secretary at least 28 days in advance of the Planning Board meeting. Applications submitted after that time will be heard not sooner than the following month.
  - A) Applicants wishing to make application for **preliminary and/or final site plan** approval shall follow the requirements contained in Chapter 137 of the Harmony Township Code.
  - B) Applicants wishing to make application for **subdivision** shall follow the requirements contained in Chapter 148 of the Harmony Township Code.

### **28 DAYS**

6. Complete application must be submitted in its entirety including the following:
  - a) Corresponding letter with a detailed description of the submitted material.
  - b) Application forms and completed checklist(s).
  - c) Filing fees- made Payable to the **“TOWNSHIP of HARMONY”**
  - d) Plans
  - e) Other documents necessary to demonstrate compliance with Harmony Township Code.

### **27 DAYS**

7. The Application will be reviewed by the Administrative Officer (Clerk) when submitted to be certain all the necessary forms and fees have been submitted. If all materials are in order, the Application will be immediately forwarded to the Planning Engineer for technical review and verification of legal completeness.

### **20 DAYS**

8. Although a review period of forty-five (45) days is permitted by law, applications will be reviewed for completeness within six (6) days.

The applicant will be informed whether the application is complete. Applications which are not complete will not be placed on the agenda. To be complete, applications must meet all requirements of the Code. If a provision is considered not applicable, supporting documentation must be submitted to substantiate its inapplicability.

### **20 DAYS**

9. Based upon the ruling of completeness the Planning Board Secretary will advise the Applicant of the Public Hearing date. No notification is to be sent out until the Secretary advises a Hearing Date has been sent.

### **13 DAYS**

10. The Engineer's complete written report will be issued not later than 13 days prior to the public hearing.
11. Only complete applications will be placed on the agenda and heard by the Board. The applicant should verify with the Township Clerk, Land Use Board Secretary and/or the Engineer Office on the day of the meeting as to the status of the application if the applicant has not previously been advised by the Township Engineer that the application is complete.
12. All applications are required are required to be acted upon by the Warren County Planning Board. Information concerning submittal procedures can be obtained from:

**Warren County Planning Board  
Wayne Dumont, Jr. Administration Building  
Route 519  
Belvidere, NJ 07823  
(908) 475-6500**

**Public Hearing Notification (For Applications where required)**

**Contents of Notice:** The notice must state the date, time and place of the Public Hearing, the nature of matters to be considered, the property Lot and Block Numbers, street address and location and times where Documents are available for public inspection.

**20 DAYS**

The Board Secretary will set the date of the hearing after the Attorney and/or Engineer has established the legal completeness of the Application, based upon timing and the expected load of business to come before the Board.

**10 DAYS**

**Who must be notified?:**

1. All owners of real property, as shown on the current Tax Map (1, above), located within 200 feet in all directions of the property in question, must be notified of the Public Hearing. Notice shall be given by serving the property owners personally or by mailing a copy by Certified Mail to the property owner. Notice is deemed complete upon mailing.

Notice to a partnership may be made to any partner.

Notice to a corporate owner may be made to any officer or other person authorized by appointment or by law to accept service on behalf of the corporation.

**NOTE:** Certification stubs must be presented (see 5, below) as evidence of service. **Form Letter (ZB-107FL)** attached may be used as a guide.

2. A. The Clerk of all adjoining municipalities and the Warren County Planning Board, when the property involved is located within 200 feet of another municipality. Notice shall be as in No. 1, above.
- B. The Warren County Planning Board when the application involves property adjacent to an existing county road or proposed road shown on the Official County Map, County Master Plan or adjoins another county.

- C. The Commissioner of Transportation of the State of New Jersey when property abuts a State Highway.
- D. The Director of the Division of State and Regional Planning in the Department of Community Affairs, when the hearing involves an application for development of property which exceeds 150 acres or 500 dwelling units, in which case the notice shall include a copy of any other maps or documents required to be on file with Administrative Officer pursuant to NJSA 40:55D-10-b.
- E. A utilities holding easements within 200 feet of the property. See Tax Assessor for a list. **Form Letter (ZB-108FL)** attached may be used as a guide.

### **3 DAYS**

**Proof of Notification:** An affidavit of Proof of Service to all required parties shall be submitted at least three (3) days prior to the Public Hearing Board Secretary or Administrative Officer (Clerk). The Affidavit shall have attached to it:

- 1. A copy of the Schedule which lists the names and addresses and date of the service
- 2. One copy of the Form of Notice completed in the same manner as the originals which were served
- 3. A copy of the Assessor's List which you received
- 4. The original Return Receipts, if mail service, or personal receipt if served in person. **Form Proof (ZB-110FL)** attached, may be used as a guide.

### **\*17 Days\***

**Publication:** Public notice shall be given by publication in the Official Newspaper of the Municipality (\*Star Gazette: deadline- Noon on Friday for following publication) at least 10 days prior to the hearing date. **Form Notice (ZB-110FL)** attached, may be used as a guide.

### **3 Days**

**Publication Proof:** The Applicant shall furnish an affidavit of Proof of Publication by the Star Gazette to the Clerk or Board Secretary at least three (3) days prior to the Public Hearing. This shall include a copy of the actual newspaper notice. **Form Proof: (ZB-111FL)** attached, may be used as a guide.

### **Legal Representation**

While it is in no way mandatory, if the Applicant feels the procedures to be followed to prepare this Application for relief from provisions of the Harmony Township Zoning Code are not clear or there are questions regarding the Application, it is recommended that the Applicant obtain the advice or

representation of an attorney licensed in the State of New Jersey and experienced in planning and zoning matters.

Corporations, both for-profit and not for-profit, must be represented by an attorney licensed in the State of New Jersey.

**\*\*\*IMPORTANT\*\*\***

**In order to expedite the processing of an Application, the Applicant should be careful to fully comply with all the above instructions. The Board can take no action until all requirements are fully complied with and, if unable to act within 90 days from the date the Application was received, the Board will be deemed, by statute, to have decided in the negative (denied) the Application.**

**HARMONY TOWNSHIP LAND USE BOARD**

**16** copies must be filed with the Secretary of the Land Use Board

Application No: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Tax Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Street/Road: \_\_\_\_\_

Fee Paid - \$ \_\_\_\_\_ Previous Subdivisions Dates:  
(Check payable to: Township of Harmony) \_\_\_\_\_

.....

DO NOT WRITE ABOVE THIS LINE –FOR TOWNSHIP USE ONLY

**Application is hereby made pursuant to the Zoning Ordinances of the Township of Harmony for:**

**Type of Application:**

☐ Major Subdivision    ☐ Minor Subdivision    ☐ Site Plan Review

☐ Conditional Use    ☐ Variance \_\_\_\_\_ "C"    \_\_\_\_\_ "D"

**Type of action requested:**

☐ Classification    ☐ Preliminary    ☐ Final Approval    ☐ Re-approval

☐ Other \_\_\_\_\_

Date of previous action taken by Board (if applicable): \_\_\_\_\_

Type of  
Action: \_\_\_\_\_

1. Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone : \_\_\_\_\_

**2. Applicant's Engineer:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone : \_\_\_\_\_

**3. If represented by counsel**

Attorney's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**4. If Applicant is a Corporation or Partnership:**

Name of President or Partner: \_\_\_\_\_

Corporation Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone : \_\_\_\_\_

**5. Name & Address of all other partners or stockholders of the corporation required to be disclosed by N.J.S. 40:55D-48.1 et seq. (attach separate page, if necessary)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE:** If applicant is a corporation, it may only appear before the Board through a New Jersey attorney.

**6. Name of Present Owner:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Check one below if other than # 1 above state nature of legal relationship between owner and applicant.

☐ I am under a contract of sale with the present owner (attach copy of contract)

☐ I am applying with the express consent of the present owner

☐ Other:

(explain):\_\_\_\_\_

**7.** If there have been any prior applications to this Board for this property, give date(s)

Previous Application:\_\_\_\_\_

Applicant's name:\_\_\_\_\_

Application No.\_\_\_\_\_

**8.** This application proposes to subdivide \_\_\_\_\_acres into \_\_\_\_\_lots, or concerns review of a site plan for property consisting of \_\_\_\_\_acres.

**9.** Have there been any material changes in the present Plat submitted from your previously submitted Plats. If so, indicate nature of the changes:\_\_\_\_\_

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**10.** List of Plats and other material made part of this submission:

<u>Item</u>	<u>No. of Copies</u>	<u>Title of Document</u>
a.		
b.		
c.		
d.		
e.		
f.		
g.		
h.		

**11.** Does this application require any relief concerning zoning ordinance requirements?

☐ YES ☐ NO If so, state nature of relief sought:



- ☐ A. Variance from Section \_\_\_\_\_ of Harmony Township Zoning Ordinance respecting:
  - 1) Lot area \_\_\_\_\_
  - 2) Lot dimension \_\_\_\_\_
  - 3) Setback \_\_\_\_\_
  - 4) Yard Requirements \_\_\_\_\_
- ☐ B. Direction for issuance of building permit for building or structure in mapped street, drainage way, flood control basin on public area
- ☐ C. Direction for issuance of a permit for a building or structure not related to a street
- ☐ D. Conditional Use

NOTE: If the application requests any of the relief set forth immediately above, the Applicant is required to give public notice of the hearing on said application pursuant to Ch. 291, P.L. 1975 (C. 40:55D-12) and to file proof of full compliance therewith the Secretary of the Planning Board.

The Municipal Land Use Law (291, P.L. 1975 (C. 40:55D-1 et seq.) sets forth the procedural requirements for the notices required to be given by Applicants for any Official Action of this Board which requires a public hearing. This law also sets forth the statutory tests of when such an Official Action can be taken and what relief may be granted to the Applicant. If you are uncertain as to what must be proven to the Board in order to justify granting of the relief sought or how it must be proven, you should obtain competent advice or assistance.

#### **Applicants – Please Note**

The Harmony Township Committee and the Planning Board have established the position of Planning Board Secretary and Administrative Officer (Clerk) and have prescribed the duties and responsibilities of the office for which the Secretary and/or Clerk for services over and above her normal duties will require reimbursement by the Applicant to the Township of Harmony by the Secretary and/or Clerk. If there is any doubt as to which services will result in additional costs to the Applicant, it shall be the Applicant's responsibility to so inquire in advance.

I hereby certify that the information contained in the within Application is complete and accurate and understand that the Harmony Township Land Use Board will be relying thereon in taking Official Action upon my Application.

Dated:\_\_\_\_\_ Applicant:\_\_\_\_\_

Applicant:\_\_\_\_\_

As a condition of subdivision approval of a tract into six or more lots, or approval of a site to be used for commercial purposes, the applicant , where it is a corporation or partnership, shall submit as part of its application a list of the names and addresses of all stockholders or individual partners owning at least 10% of its stock pursuant to R.S. 40:55D – 48.1 et seq. if applicable.

Full disclosure pursuant to the requirements of the N.J.S. 40:5- 48.1 et seq. hereby made in the within application or on the attached sheet and is hereby certified to be accurate to the best of my knowledge.

Applicant:\_\_\_\_\_ Date:\_\_\_\_\_

Applicant: \_\_\_\_\_

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**CERTIFICATION BY TAX COLLECTOR**

I hereby certify that, as of the date of the within application, no real property taxes are due and remain unpaid on the property which is the subject of the within application.

Date:\_\_\_\_\_ Tax Collector:\_\_\_\_\_

**HARMONY TOWNSHIP LAND USE BOARD**

**NOTIFICATION TO APPLICANT OF PUBLIC HEARING DATE (ZB-110)**

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Case No. \_\_\_\_\_ Appeal Filed: \_\_\_\_\_, 20\_\_\_\_

Dear Sir or Madam:

Your (appeal) (application) under the Zoning Ordinance in re:  
premises \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ has been given Case

No. \_\_\_\_\_.

You are hereby notified that a public hearing on this (appeal) (application) has been ordered for \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ PM, in the Harmony Township Municipal Building, 3003 Belvidere Road, Harmony Township, Warren County, New Jersey, at which time you must be present either in person or by attorney or your (appeal) (application) will be rejected by default.

Notice of public hearing must be served by you, as described in Item #3, Instructions to Applicant form of notice to be served and affidavit of service to be returned to the Board are attached.

Respectfully,

Kelley Smith  
Secretary, Land Use Board

**HARMONY TOWNSHIP LAND USE BOARD**  
**{SAMPLE FORM – NOTICE OF HEARING (ZB-108FL)}**

☐ CLERK OF ADJACENT MUNICIPALITY  
☐ COUNTY PLANNING BOARD  
☐ COMMISSIONER OF TRANSPORTATION  
☐ DIRECTOR, DIVISION OF STATE AND REGIONAL PLANNING,  
DEPARTMENT OF  
COMMUNITY AFFAIRS

Case No. \_\_\_\_\_

TO: \_\_\_\_\_

PLEASE TAKE NOTICE:

That \_\_\_\_\_, the undersigned, has appealed and/or  
applied to the Planning Board of Harmony Township, Warren County, for relief  
from \_\_\_\_\_

to permit \_\_\_\_\_

at \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_, which property\*

☐ is within two hundred (200') feet of your municipality

☐ fronts property upon a county owned property, or is within two hundred (200')  
feet of a municipal boundary

☐ is adjacent to a State Highway

☐ include a development in excess of 150 acres or 500 dwelling units

Applicant is seeking the following relief:

☐ hardship variance      ☐ use variance      ☐ subdivision

☐ site-plan review      ☐ conditional use approval

☐ other \_\_\_\_\_

The hearing will be held \_\_\_\_\_, 20\_\_\_\_\_, at 7:00 p.m.  
in the Harmony Township Municipal Building, 3001 Belvidere Road, Harmony  
New Jersey. All documents relating to this application may be inspected by the

public at the office of the Township Clerk during normal business hours (9:00 AM– 4:00 PM, Monday – Friday).

This notice is given pursuant to the provision of R.S. 40:55D-12.

Dated: \_\_\_\_\_ Applicant (signed)

\_\_\_\_\_  
Refer to Paragraph 3 of instructions

**INSTRUCTIONS TO APPLICANT:** This notice must be served or sent by certified mail at least 10 days before the day of the hearing, and proof of service given to the Secretary of the Land Use Board at least 3 days before the day of the hearing.

## HARMONY TOWNSHIP LAND USE BOARD

Case No. \_\_\_\_\_ Filed: \_\_\_\_\_

STATE OF NEW JERSEY)  
 )ss:

COUNTY OF )

\_\_\_\_\_, of full age, being duly sworn according to law, deposes and says, that (he) (she) resides at \_\_\_\_\_ in the municipality of \_\_\_\_\_ County of \_\_\_\_\_ and State of \_\_\_\_\_ that (he) (she) gave written notice of the hearing on this application to each and all of the persons upon whom service must be had, in the required form on the date and in the manner indicated on schedule "A" attached hereto. A copy of the notice given is attached hereto

(Signature) \_\_\_\_\_

Sworn to and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

**INSTRUCTIONS TO APPLICANT:** Attach as schedule “A”, list of all parties served, indicating the manner and date of service, and copies of notices served. Also, attach a certified list of property owners obtained from the Township Assessor. Proof of service of notices and proof of publication required by statute must be filed with Township Clerk or Planning Board Secretary at least three (3) days prior to the meeting or the case will not be heard.

## STATUTORY REQUIREMENTS CONCERNING PUBLIC NOTICE

Statutory requirements concerning public notice are set forth in Section 7, 7.1 and 7.3 (N.J.S.A. 90:55D-11, 12 & 14) of the Municipal Land Use Law (Chapter 29), (Laws of N.J. 1975). These requirements are also listed on the Notice Procedures form given to the applicant when (he)(she) receives (his)(her) list of property owners within 200 feet.

## HARMONY TOWNSHIP PLANNING BOARD



**HARMONY TOWNSHIP LAND USE BOARD  
NOTICE OF HEARING TO PROPERTY OWNERS  
{Sample Form ZB-109FL}**

Case No. \_\_\_\_\_

TO WHOM IT MAY CONCERN:

In compliance with the Zoning Ordinance of the Township of Harmony, Warren County, New Jersey, notice is hereby served upon you to the effect that (applicant) \_\_\_\_\_ (does) (do) hereby propose to (give detailed linformation \_\_\_\_\_

Location \_\_\_\_\_

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(The Zoning Officer of the Township of Harmony, New Jersey, refused this request by reason of its being in violation of Section \_\_\_\_\_ of the Zoning Ordinance, from which decision (I) (we) hereby appeal. (I) (we) have applied to the Land Use Board for a (specify type of variance) \_\_\_\_\_, (together with subdivision \_\_\_\_\_, site plan \_\_\_\_\_, conditional use \_\_\_\_\_ approval).

Any person or persons affected by this (appeal) (application) may have an opportunity to be heard at the meeting to be held (Secretary must advise) \_\_\_\_\_, 20 \_\_\_\_\_, at 7:00 PM, at the Harmony Township Municipal Building, 3003 Belvidere Road, Harmony, New Jersey.

All documents relating to this application may be inspected by the public at the office of the Township Clerk during normal business hours (9:00 AM to 4:00 PM, Mon.-Fri.).

Dated: \_\_\_\_\_ Signed (applicant): \_\_\_\_\_

**Instructions to Applicant:** This notice must be personally served or sent by certified mail at least (10) days before the day of the public hearing, and proof of service must be given to the Planning Board Secretary or Township Clerk at least three (3) days before the day of the hearing.

**\*Notice must specify in detail each provision of the Zoning Ordinance from which relief is requested.**



**HARMONY TOWNSHIP LAND USE BOARD**  
**SUGGSTED FORM--LEGAL NOTICE (ZB-111)**

The Star Gazette Legal Ads  
c/o NJN Publishing  
jkryzymalski@Express-Times.com  
[www.nj.com](http://www.nj.com)  
Phone: (908) 782-4747 ext. 662  
FAX: (877) 330-9955

Please publish the following legal notice in the (insert date) \_\_\_\_\_  
issue of your newspaper and return an Affidavit of Publication including a clipping  
of the notice as soon as published.

PLEASE TAKE NOTICE that on \_\_\_\_\_  
(Date, including day of week)

at 7:00 p.m., prevailing time , the undersigned applicant(s) shall appear  
before the Harmony Township Land Use Board at the Harmony Township  
Municipal Building, 3003 Belvidere Road, Phillipsburg, NJ 08865,  
Warren County, on an application coming before the Board to seek a  
\_\_\_\_\_  
( fill in nature of relief sought, i.e. use, bulk, variance or other relief)  
\_\_\_\_\_

so as to permit  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for property known and designated as Block \_\_\_\_\_ Lot \_\_\_\_\_ on  
the official tax map of the Township of Harmony , Warren County, New Jersey  
and located generally \_\_\_\_\_  
\_\_\_\_\_

The variance or other relief sought by the applicant is either personally or by  
agent or attorney to be heard with respect to the granting of said application.

The application form and all supporting documents will be on file and available for public inspection at the Municipal Building, Monday through Friday, 9:00 a.m. – 4:00 p.m.

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Applicant (s)

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Address